

October 12, 2004

CERTIFIED MAIL

Chuck Manning
Plymouth Energy LLC
335 Park Place Suite 110
Kirkland, WA 989033

Dear Mr. Manning:

**RE: Notice of Temporary State Waste Discharge Permit No. ST-9252
for Plymouth Energy LLC - Plymouth Generating Facility
Effective October 10, 2004**

Your application for State Waste Discharge Permit No. ST-9252 for Plymouth Energy LLC, was initially received by this office on June 9, 2003. After a number of iterations, it was reviewed and accepted as complete on August 26, 2004.

A Public Notice of Application was published on September 2, and September 9, 2004, in the Tri-City Herald and the public comment period ended October 9, 2004, with no comments being received.

Given our limited resources, we are unable to process your application at this time. **RCW 90.48.200 states, "In the event of failure of the Department to act upon an application within sixty days after it has been filed, the applicant shall be deemed to have a temporary permit. Said permit shall authorize the applicant to discharge waste into waters of the State as requested in its application only until such time as the Department shall have taken action upon said application."**

Therefore, as RCW 90.48.200 and WAC 173-216-090 provide, your new Temporary Permit became effective October 10, 2004, the day following completion of the public notice comment period. It will remain in force for up to five years or until further notice by the Department, whichever occurs first. The Department will undertake writing a

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full permit when construction nears completion. At that time we will contact you to discuss any changes in proposed operation and to do a site visit.

Your temporary permit consists of the permit application, engineering report, and all appendices submitted with it. Compliance with the application, engineering report, and the appendices will constitute compliance with the temporary permit.

This authorization does not allow you to discharge pollutants not specified in your application and attachments or in quantities exceeding those specified in your application or appendices, or in quantities exceeding those specified. You are also required to comply with all water pollution laws and regulations. A new application is required in five years.

Under the Model Toxics Control Act, codified as RCW 90.48.465, Ecology is required to recover the cost of the Water Quality Permit Program. Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Your Temporary Permit is subject to this fee.

Your permit fee is subject to the fee schedule in Chapter 173-224 WAC, Fee category: Power and/or Steam Plants; Subcategory: d. Fossil fuel. The year 2005 fee is \$22,632.00 (subject to the reduction based upon non operating status discussed earlier). Permit fee billing will be in a separate mailing from the Ecology Fee Unit.

If you have any questions or need assistance, please feel free to contact Rick Frye, at 509/575-2821.

Sincerely,

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program

GTT:

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c: Tom McDonald, Perkins Coie - 111 Market Street NE Suite 200, Olympia, 98501
Dick Haapala, CH2M Hill - - PO BOX 2645 YAKIMA WA 98907
Bev Poston, Ecology-Olympia
Joe Ortiz, Ecology-Yakima
Cindy Huwe, Ecology-Yakima